

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

HELEN PARDO DE FIGUEROA  
AKA FLORA E CLAROS  
AKA FLORA CALDERON,

tmd3574/nk  
FEBRUARY 10, 2020  
9:00 A.M.

Case No: 1-19-44421-ess

Hon. Elizabeth S. Stong

**NOTICE OF MOTION**

Debtor

=====X

PLEASE TAKE NOTICE, that upon the within application, Marianne DeRosa, Chapter 13 Trustee will move this court before the Honorable Elizabeth S. Stong, U.S. Bankruptcy Judge, at the United States Bankruptcy Court, 271 Cadman Plaza East, Brooklyn, New York, Courtroom 3585 on February 10, 2020 at 9:00AM or as soon thereafter as counsel can be heard, seeking an order that strikes, reduces, or sets the amount of certain exemptions, pursuant to Fed. R. Bankr. P. 4003(b), and the Chapter 13 Trustee requests such other and further relief as may seem just and proper.

Responsive papers shall be filed with the Bankruptcy Court and served upon the Chapter 13 Trustee, Marianne DeRosa, Esq., no later than seven (7) days prior to the hearing date set forth above. Any responsive papers shall be in conformity with the Federal Rules of Civil Procedure and indicate the entity submitting the response, the nature of the response and the basis of the response.

Date: Jericho, New York  
January 2, 2020

/s/ Nathan Kaufman  
NATHAN Z. KAUFMAN, STAFF ATTORNEY FOR  
MARIANNE DeROSA, TRUSTEE  
100 JERICHO QUADRANGLE; STE 127  
JERICHO, NY 11753  
(516) 622-1340

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Debtor

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**APPLICATION**

TO THE HONORABLE ELIZABETH S. STONG, U.S. BANKRUPTCY JUDGE:

Nathan Z. Kaufman, Esq., staff attorney for MARIANNE DEROSA, ESQ., the Chapter 13 Trustee (the "Trustee") in the above-captioned estate, respectfully represents the following:

1. The Debtor's Schedule C was filed with the Debtor's schedules at docket number 27. Debtor elected state and federal non-bankruptcy exemptions pursuant to 11 U.S.C. §522(b)(3).

2. The Trustee objects to the claimed exemptions as follows:

- a. Jewelry, A/B line 12, \$1,500 under NY CPLR §5205 & NY Debt. & Cred. §283: Debtor has not indicated an operative statutory subsection. To the extent Debtor intended to claim the exemption under CPLR §5205(a)(6), exemptions under that statute are limited to \$1,150.
- b. Security Deposits from Tenants, A/B line 22, \$4,000 under NY CPLR §5206(a): Debtor has not provided evidence tracing the funds to security deposits from her tenants. To the extent the funds are traceable to security deposits, Debtor cannot take an exemption for property in which the Debtor has no ownership interest. To the extent the funds are not traceable to security deposits, the indicated statute does not provide an applicable exemption, and, upon information and belief, there is no applicable exemption statute available to the Debtor.
- c. Former Counsel claim for refund and possible legal malpractice, A/B line 33, \$1,100 under NY CPLR §52025(a)(9): The indicated statute does not provide for an applicable exemption. Further, upon information and belief, there is no applicable exemption statute available to the Debtor.

WHEREFORE, the Chapter 13 Trustee respectfully requests that this Court enter an Order striking each indicated exemption on the Debtor's Schedule C, and for such other and further relief as the Court may deem just and proper.

Dated: Jericho, New York  
January 2, 2020

s/Nathan Z. Kaufman  
Nathan Z. Kaufman, Staff Attorney for  
Marianne DeRosa, Chapter 13 Trustee

UNITED STATES BANKRUPTCY COURT  
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AKA FLORA CALDERON,

CERTIFICATE OF NOTICE

Debtor.

-----X  
I, Nathan Z. Kaufman, declare under penalty of perjury that I have sent the attached document to the below listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Notice by first class mail was sent to the following persons/entities:

HELEN PARDO DE FIGUEROA  
108-24 41 AVENUE  
CORONA, NY 11368

Notice by electronic transmission generated by the ECF system to the following persons/entities pursuant to Bankruptcy Rule 9036:

NORMA ORTIZ, ESQ., [email@ortizandortiz.com](mailto:email@ortizandortiz.com)

MODESTO A. CLAROS C/O DAVID A. GALLO & ASSOC., [rgoldstein@msgrb.com](mailto:rgoldstein@msgrb.com)

OFFICE OF THE UNITED STATES TRUSTEE, [USTPRegion02.BR.ECF@usdoj.gov](mailto:USTPRegion02.BR.ECF@usdoj.gov)

Transmission times for electronic delivery are Eastern Time zone.

This January 2, 2020

/s/Nathan Z. Kaufman  
Nathan Z. Kaufman, Staff Attorney  
Office of the Standing Chapter 13 Trustee  
Marianne DeRosa, Esq.  
100 Jericho Quadrangle; Suite 127  
Jericho, NY 11753  
(516) 622-1340

CASE NO: 1-19-44421-ess  
Hon. ELIZABETH S. STONG

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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IN RE:

HELEN PARDO DE FIGUEROA  
AKA FLORA E CLAROS  
AKA FLORA CALDERON,

DEBTOR.

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NOTICE OF MOTION AND OBJECTION TO DEBTOR'S CLAIMS OF EXEMPTION

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MARIANNE DeROSA, TRUSTEE  
100 JERICO QUADRANGLE; SUITE 127  
JERICO, NY 11753  
(516) 622-1340

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